

REMARKS

Claims 1 – 21 and 23 – 39 are currently pending in the application. Reconsideration of the rejected claims in view of the below remarks is respectfully requested.

Objection to the Specification

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner notes that claim 39 is drawn to a computer program product and asserts that Applicant has defined the computer program product to encompass an electronic transmission signal. Moreover, the Examiner concludes that claim 39 does not fall within any of the four categories of invention.

More specifically, the Examiner asserts that a computer program product is defined in the specification at page 8, lines 6 – 11. This passage has been reproduced below:

The steps of FIGS. 2-4 may be implemented on computer program code in combination with the appropriate hardware. This computer program code may be stored on storage media such as a diskette, hard disk, CD-ROM, DVD-ROM or tape, as well as a memory storage device or collection of memory storage devices such as read-only memory (ROM) or random access memory (RAM). Additionally, the computer program code can be transferred to a workstation over the Internet or some other type of network. FIGS. 2-4 may be implemented, for example, using the components of FIG. 1.

Additionally, Applicant has reproduced claim 39 below, which recites, in pertinent part:

A computer program product comprising a computer usable medium having readable program code embodied in the medium, the computer program product includes . . .

While, the Examiner asserts that the above-cited passage of the specification defines the computer program product as an electronic signal, Applicant respectfully disagrees. Applicant

submits that the above-cited passage of the specification describes the computer program product as comprising computer program code stored on storage media and claim 39 recites a computer program product, which includes the computer program code. That is, as recited in claim 39, computer program code is embodied in a computer usable medium. While the specification describes that “the computer program code can be transferred to a workstation over the Internet or some other type of network,” Applicant submits they have not defined the computer program product to encompass an electronic transmission signal. Moreover, as claim 39 recites computer program code embodied in a computer usable medium, Applicant submits that claim 39 falls within the statutory definition of an invention, e.g., a machine.

Thus, Applicant submits that this description is proper. Accordingly, Applicant respectfully requests the objection to the specification be withdrawn.

Additionally, Applicant notes that the Examiner’s objection for failing to provide proper antecedent basis is not the appropriate objection/rejection for the above-noted issue. That is, Applicant submits that the Examiner has not raised a question of antecedent basis to the specification. Rather, Applicant submits that the Examiner is asserting that claim 39 does not fall within a statutory class of invention and is thus non-enabled under 35 U.S.C. § 101. Thus, Applicant respectfully submits that the Examiner has tacitly made a new rejection that was not necessitated by an amendment.

35 U.S.C. §102 Rejections

Claims 1 – 3, 5, 9, 10, 15, 16, 27, 30, 32 – 34 and 39¹ were rejected under 35 U.S.C. §102(e) for being anticipated by U. S. Patent Publication 2005/0086501 issued to Woo *et al.* (“Woo”) and claims 17 – 20, 23 – 26² were rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent Publication 2004/0024652 issued to Buhse *et al.* (“Buhse”). The respective rejections are respectfully traversed.

To anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP §2131. Applicant submits that the applied references do not disclose every feature of the claimed invention.

Independent Claims 1, 27, 32 and 39 over Woo

The present invention generally relates to a digital rights protection method and system.

Claim 1

Claim 1 recites, in pertinent part:

accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application;

composing a shareable content object (SCO) representing one or more assets using the authoring application; assigning a digital rights to the SCO to secure the one or more assets; and

individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets,

¹ Applicant notes that claim 39 was not listed as rejected under 35 U.S.C. §102(e) over Woo. However, claim 39 was treated in the body of the rejection. Therefore, Applicant addresses the rejection of claim 39 under 35 U.S.C. §102(e) over Woo.

² Applicant notes that while dependent claim 24 was stated as rejected under 35 U.S.C. § 102(e) over Buhse, claim 24 was not addressed under this rejection. Rather, Applicant submits that claim 24 was rejected under 35 U.S.C. § 103(a) over Buhse in view of Woo. Therefore, Applicant will not address claim 24 under the 35 U.S.C. § 102(e) rejection.

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wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version.

Initially, Applicant notes that claim 1 was not rejected as claimed. That is, claim 1 was amended in the response of April 20, 2007. However, in rejecting claim 1, the Examiner did not address claim 1, as amended. Accordingly, the Examiner has not set forth a *prima facie* case of anticipation.

Moreover, the rejection of claim 1 as set forth in the instant action under the §102 rejection does not correlate with the arguments set forth in the Response to Arguments section. Thus, Applicant submits that the Examiner has not provided a clear record.

Applicant submits that Woo does not disclose each of the claimed features. For example, Applicant submits that Woo at least does not disclose checking the client browser's version and downloading the DRM extension appropriate for the browser's version. In the Response to Arguments section, the Examiner asserts that this feature is disclosed at paragraph [0162]. Applicant disagrees.

Woo discloses a method and system for the information protection of digital content. More specifically, Woo discloses at paragraphs [0146] and [0147]:

The present invention will be described in more detail as following. FIG. 1 is a block diagram of representative digital rights management system. To begin with, the original content 111 for streaming and/or download service, such as motion pictures, movies, music, online education content and so on, is packaged to encrypted content package 121 using content packager 112 of encryption means 110. The encryption key is generated at DRM server 130 and it is transferred to content package 112. The encrypted content package 121 is uploaded to content server, which may be a streaming server 122a for streaming service or web/FTP server 122b for download service.

If client system's user 401 selects and clicks the icon/name of content on the homepage or content server 122, for example web server 122b, the content may be serviced to user through streaming or download service. After the user 401 selects the content item for the streaming

service and therefore the DRM controller 141 is activated, encrypted content package 142 is delivered from streaming server 122a, connected with web server 122b, to client system 140. . .

Further, Woo discloses at paragraphs [0161] and [0162]:

From now on, the content playing process will be explained. FIG. 3 is a sequence chart of playing process of encrypted multimedia content using streaming service. To begin with, it is necessary to install the DRM controller 141 in client system 140 for content playing. If the DRM controller 141 is not installed yet in client system 140, it may be [sic] to install the DRM controller when a client system's user 401 use the content service of DRM applied, or after member subscription. DRM controller 141 may be downloaded and installed automatically using ActiveX control method. After installing process of the DRM controller 141, the DRM controller may be checked with version number and only upgraded when a new version is released.

While Applicant acknowledges that the DRM controller may be checked and upgraded when a new version is released, Applicant submits that the DRM controller is not the authoring application. Rather, the DRM controller is a component used for the content playing process by the end user of the digital content.

As explained in paragraph [0162] of Woo, FIG. 3 is a sequence chart of the playing process of media content by an end user. Accordingly, the end user (or client) of the digital content may install a DRM controller in the client system. After the installing process of the DRM controller 141 is performed by the end user or client, the DRM controller may be checked with version number and only upgraded when a new version is released.

However, Applicant submits that this process of FIG. 3, which includes upgrading the DRM controller when a new version is released is not performed during a download of an authoring application. That is, according to Woo, in order for a content user to perform the steps shown in FIG. 3 (e.g., a download of media content), the media content must already be created.

For the media content to have already been created, requires that any authoring application (which facilitates the creation of media content) already be downloaded by a media content author. As such, Applicant submits that Woo does not disclose “wherein the download of the authoring application includes checking the client browser’s version and downloading the DRM extension appropriate for the browser’s version,” as recited in claim 1.

Therefore, Applicant submits that Woo does not disclose each and every feature of claim 1, and does not anticipate the claimed invention.

Claim 27

Claim 27 recites in pertinent part:

- a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets;
- a digital rights management (DRM) content packager accessible via the portal server which assigns digital rights to the at least one shareable content object (SCO);
- a DRM license server which assigns license criteria to the at least one SCO and the one or more assets; and
- a content manager which stores or retrieves the at least one SCO and the one or more assets.

Applicant submits that Woo does not disclose each of these features. For example, Applicant submits that Woo at least does not disclose a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets.

In the instant office action, in the Response to Arguments section, the Examiner refers to a “new portion of the prior art, which the Examiner contends better explains the limitation of the claimed invention. Woo et al (see page 1 paragraph 0011 in addition of the cited paragraphs.” However, it is not clear if the Examiner is referring now only to paragraph [0011] or paragraphs [0011] and [0074]. Therefore, Applicant has assumed that the Examiner meant to refer to both {P27070 00266704.DOC}

cited paragraphs. Accordingly, Applicant has addressed the rejection of claim 27 with regard to both paragraphs [0011] and [0074].

Woo discloses at paragraph [0011]:

The streaming technology, which is the process of playing a digital file while it is still downloading and lets a user view and hear digitalized content such as video, sound and animation, is now popular for the content service. Unlike download, streaming technology is not needed to receive the all contents data from external network server and it plays repeatedly a part of content data downloaded. Streaming is very useful data transmission technology for the prevention of copyright infringement, content service of very large file size, and removal of inconvenient waiting for download. By using streaming technology, the content data transferred from external network is not saved at HDD of client system but temporarily saved and played on RAM(Random Access Memory) for content service. Streaming may be divided into VOD streaming and live streaming. The content of VOD streaming must be in advance manufactured and be deployed on the content server and may be transferred to client system dependent on the user's request. In live streaming, the content of online performance, news, and sports game must be transferred in real-time to client system. In the case of HTTP streaming, a part of digital content is played continuously and saved simultaneously at HDD during downloading

Additionally, Woo discloses at paragraphs [0073] and [0074]:

In a preferred embodiment, the initiating and connecting step comprises:

the step (S31) of the Web server (122b) or FTP server sending content identification information and user identification information to the DRM controller (141) if the application program (144) is commanded to retrieve contents after downloading of the contents in the case of a downloading manner, or if contents are selected on a Web page in the case of a streaming manner;

In addressing the rejection of claim 27 in the Response to Arguments section, the Examiner asserts that Woo discloses “a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets”. More specifically, the Examiner asserts that

Woo discloses the above-noted feature in disclosing at paragraph [0011] that “streaming
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technology, which is the process of playing a digital file while it is still downloading and lets a user view and hear digitalized content such as video, sound and animation.” Applicant disagrees.

Applicant submits that paragraph [0011] discloses methods of transmission of digital content from the owner to the user for viewing of the digital content. Namely, the digital content may be completely downloaded and then viewed by the user, or the digital content may be streamed to the user, wherein the digital content may be viewed as it is in the process of downloading.

With this understanding, Applicant submits that paragraph [0011] of Woo does not disclose a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets. That is, methods in which a user may view or download digital content are unrelated to, and not involved in, the process of authoring or creating that digital content.

Additionally, in rejecting claim 27, the Examiner asserts that the Web server or the FTP server constitutes a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets. However, Applicant submits that the Web server or the FTP server does not permit the authoring of at least one shareable content object (SCO) having one or more assets. Rather, Applicant submits that the Web server or the FTP server is used during the initiating and connecting step to connect clients (or users of the content) with the digitally protected content. Further, Applicant submits that the DRM controller (141) and the application program (144) are components of the client system (140). As such, Applicant submits that the Web server or the FTP server is not involved in the authoring of at least one SCO. Thus, Applicant submits that Woo does not disclose a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets.

Therefore, Applicant submits that Woo does not disclose each and every feature of claim 27, and does not anticipate the claimed invention.

Claim 32

Claim 32 recites, in pertinent part:

a secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials;

an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction; and

a digital rights generation layer having one or more components adapted to provide a web-based interface for specifying different rights to the one or more parts for providing protected digital content.

Initially, Applicant submits that the rejection of claim 32 as set forth in the instant action under the §102 rejection does not correlate with the arguments set forth in the Response to Arguments section. Thus, Applicant submits that the Examiner has not provided a clear record.

Additionally, Applicant submits that Woo does not disclose each of the above-noted features. For example, Applicant submits that Woo at least does not disclose an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction. In addressing claim 32 in the Response to Arguments section, the Examiner asserts that this feature is disclosed at paragraph [0083] – [0090]. Applicant disagrees.

Woo discloses at paragraphs [0081] – [0090]:

In a preferred embodiment, the connection preparing step comprises:

the step of starting and temporarily stopping the application program (144);

the step of the DRM controller (141) determining whether the handler is zero by hooking a message between the application program (144) and the network driver or file system using filtering means;

the step of deleting an address handle to cancel the connection and sending a message to the network driver or file system if the handler is zero, and determining whether a process is registered in the filtering means if the handler is not zero;

the step of sending a message to the network driver or file system if the process is not registered in the filtering means, and registering an address handle, setting a my event handler, storing a local port and sending a changed message to the network driver or file system if the process is registered in the filtering means; and

the step of the application program (144) receiving a ready message from the network driver or file system through the sending of the message.

In a preferred embodiment, the connecting step comprises:

the step of the filtering means hooking a message between the application program (144) and the network driver or file system and determining whether the process is registered in the filtering means;

the step of sending the message the network driver or file system if the process is not registered in the filtering means, and determining whether a remote port has a predetermined number if the process is registered in the filtering means; and

the step of sending the message to the network driver or file system if the remote port does not have the predetermined number, and sending the message to the network driver or file system after storing a remote port number in an address handle structure having a local port connected to the remote port if the remote port has the predetermined number.

Applicant submits that SCORM is a generally known collection of standards and specifications for web-based e-learning. Furthermore, Applicant submits that the above-cited passage is completely silent as to ensuring conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards. Moreover, Applicant submits that Woo in its entirety is completely silent with respect to SCORM standards.

Additionally, Applicant submits that the above-cited passage of Woo describes aspects of the client system (i.e., the viewer of the digital content). As such, Applicant submits that the above-cited passage of Woo cannot disclose ensuring conformance of the unprotected digital

content to Shareable Content Object Reference Model (SCORM) standards, because the digital content used by the client system (e.g., downloaded or streamed) is no longer unprotected digital content (i.e., is protected digital content). Moreover, Applicant submits that Woo is silent as to providing error messages to enable correction, as recited in claim 32.

For at least these reasons, Applicant submits that Woo does not disclose each and every feature of claim 32, and does not anticipate the claimed invention.

Claim 39

Claim 39 recites in pertinent part:

- a first computer code to compose a shareable content object (SCO) representing one or more assets;
- a second computer code to assign a digital rights to the SCO to secure the one or more assets;
- a third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights; and
- a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code.

In the instant office action, the Examiner has not listed claim 39 as part of any of the rejections. However, the Examiner has treated claim 39 within the rejection under §102(e) over Woo. Applicant notes, however, that in rejecting claim 39 over Woo, the Examiner did not treat claim 39 as claimed, including the fourth computer code, as is addressed further below. Accordingly, the Examiner has not set forth a *prima facie* case of anticipation.

Additionally, in the Response to Arguments section, the Examiner asserts that Buhse discloses some or all of the features of claim 39. Furthermore, Applicant notes that, as addressed in the Response to Arguments section, the Examiner did not treat claim 39 as claimed. Namely,

the Examiner did not address at least the features of the fourth computer code, as recited in claim

39. Accordingly, the Examiner has not set forth a *prima facie* case of anticipation.

Moreover, the rejection of claim 39 as set forth in the instant action under the §102 rejection does not correlate with the arguments set forth in the Response to Arguments section. Thus, Applicant submits that the Examiner has not provided a clear record. Notwithstanding, Applicant will address claim 39 as rejected over Woo and as if it were rejected over Buhse.

Claim 39 over Woo

Applicant submits that Woo does not disclose each feature of claim 39. For example, Applicant submits that Woo at least does not disclose a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code. While Applicant acknowledges that Woo may disclose code to create sharable content, Applicant submits that Woo is silent as to a forth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading of the first computer code.

Therefore, Applicant submits that Woo does not disclose each and every feature of claim 39, and does not anticipate the claimed invention.

Claim 39 over Buhse

Additionally, although not specifically rejected under Buhse, Applicant submits that Buhse does not disclose each feature of claim 39. For example, Applicant submits that Buhse at least does not disclose a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code.

The Examiner asserts that Buhse discloses the above-noted feature at paragraph [0006].

Specifically, citing portions of Buhse, the Examiner states that:

In accordance with the invention, a system for distributing digital products from a client to consumers comprises one or more digital processors including a plurality of software components interconnected by a common messaging language.

a. The basic components (first computer code) include a Client Interface Component accessible to clients to allow a client to set up and manage an offer of digital products for sale or subscription.

b. An Offer Catalog Component (second computer code) accessible to consumers provides consumers with a listing of the products available from a client.

c. An Account Management System processes consumer purchase orders, and a Rights Locker Component (first computer code) issues purchased products and associated intellectual property rights (if needed) to consumers.

d. An Order Management System (first computer code) coordinates cataloging, the management of accounts and the delivery of products.

Applicants submit that Buhse does not disclose at least a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code.

Buhse discloses a system and method for the distribution of digital products. More specifically, Buhse discloses at paragraph [0076], [0078] and [0079]:

... The CLI 101 is primarily an interface between clients and the system. The inputs are offers, content packaging rules, and subscription plans. The outputs are system reports. The CLI is an algorithm in software programmed on an digital computer that acts as a CLI web interface and gateway for the content provider into the system. The CLI is connected to AMC 304, OCC 102, and APC 106.

CLI 101 provides four functions to the client: content packaging, offer maintenance, subscription plan maintenance, and clearinghouse reporting. The CLI delegates packaging requests to the APC 106. The APC 106 notifies the CLI of successful packaging operations, and the CLI then updates the OCC 102 with the new offers. The CLI communicates with the OCC 102 through a real time interface for both packaging and offer updates.

In addition to receiving the content, CLI 101 can receive the following packaging information of the client: business rules including distribution rules and transaction time rules; metadata for inclusion in the package and Offer Catalog and retail channel information including retailers allowed/disallowed, and territorial restrictions. The CLI also communicates with AMG 501 for subscription plan maintenance. AMG 501, in turn, communicates with AMC 304 to edit plans. Alternatively as shown in FIG. 3, the CLI can communicate directly with AMC 304.

Additionally, Buhse discloses at paragraph [0084]:

Subscription management operations are processed through the AMC. These operations allow a client (affiliate) to create custom subscription plans based on their own business rules.

The Examiner asserts that the Client Interface Component (CLI) 101 constitutes the first computer code. As described above, Buhse discloses that the CLI provides four functions to the client: content packaging, offer maintenance, subscription plan maintenance, and clearinghouse reporting. The CLI also communicates with AMG 501 for subscription plan maintenance. AMG 501, in turn, communicates with AMC 304 to edit plans. Alternatively as shown in FIG. 3 of Buhse, the CLI can communicate directly with AMC 304. Moreover, as disclosed in Buhse, subscription management operations, which are processed through the AMC, allow a client (affiliate) to create custom subscription plans based on their own business rules.

It is not clear what the Examiner regards as the fourth computer code, as this feature was not specifically identified. Therefore, Applicant assumes the Examiner meant to apply the same reasoning that was applied to claim 17, as noted below. Specifically, Applicant assumes that the Examiner meant to assert that the fourth computer code is disclosed by Buhse, in that the subscription management operations, which are processed through the AMC, allow a client (affiliate) to create custom subscription plans based on their own business rules.

However, Applicant submits that operations that allow a client to create custom subscription plans do not constitute a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code (which is used to compose a shareable content object (SCO) representing one or more assets). That is, Applicant submits that creating custom subscription plans is not providing a common interface personalized to a user's profile. Moreover, Applicant submits that creating custom subscription plans using the AMC in conjunction with the CLI does not provide a common interface to facilitate one of accessing or downloading the first computer code. That is, the CLI was designated by the Examiner as the first computer code, and the CLI is used with the AMC to create custom subscription plans. Thus, Applicant submits that those custom subscription plans cannot provide a common interface to facilitate one of accessing or downloading the first computer code, as the first computer code was required to generate the custom subscription plans, and therefore was already accessed or downloaded.

Thus, Applicant submits that neither Woo or Buhse disclose each of the features of claim 39, and do not anticipate the claimed invention.

Dependent Claims 2, 3, 5, 9, 10, 15, 16, 30, 33 and 34 over Woo

Applicant submits that claims 2, 3, 5, 9, 10, 15, 16, 30, 33 and 34 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejections over claims 1 – 3, 5, 9, 10, 15, 16, 27, 30, 32 – 34 and 39 be withdrawn.

Independent Claim 17 over Buhse

Claim 17 recites, in pertinent part:

creating a package containing one or more shareable content objects (SCOs);
assigning digital rights management (DRM) to the one or more SCOs;
updating an on-line electronic store (e-Store) with the one or more SCOs;
making the one or more SCOs available for searching and downloading at a client, wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable; and
logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role.

Initially, Applicant notes that in rejecting claim 17, the Examiner did not address all of the features of claim 17. That is, in the instant action the Examiner did not address the feature of “logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role,” in the rejection of claim 17. Accordingly, Applicant submits that the Examiner has not set forth a *prima facie* case of anticipation.

Additionally, Applicant notes that the Examiner has addressed claim 17 in the Response to Arguments section. However, in addressing claim 17 in the Response to Arguments section, the Examiner did not address each of the features of claim 17. That is, the Examiner did not address the feature of “updating an on-line electronic store (e-Store) with the one or more SCOs.” Accordingly, Applicant submits that the Examiner has not set forth a *prima facie* case of anticipation.

Moreover, the arguments proffered by the Examiner in the Response to Arguments section do not correlate with the rejection set forth in the instant action. Therefore, Applicant submits that the Examiner has not set forth a clear record. Thus, Applicant respectfully submits

that the rejection of claim 17 is improper. However, Applicant has made an effort to address the arguments in the Response to Arguments section and the actual rejection of claim 17.

Applicant submits that Buhse does not disclose each of these features. For example, Applicant submits that Buhse at least does not disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role. In addressing the rejection of claim 17 in the Response to Arguments section, the Examiner asserts that this feature is disclosed at paragraphs [0034] and [0084]. Applicant disagrees.

Buhse discloses a system and method for the distribution of digital products. More specifically, Buhse discloses at paragraph [0034]:

The Order Management System (OMS) 105, is essentially an event driven command processor that manages the entire application. External communications 108 to the application are routed through OMS 105 to the appropriate functional module. OMS 105 reacts to requests from both external and internal interfaces.

Additionally, Buhse discloses at paragraph [0084]:

Subscription management operations are processed through AMC. These operations allow a client (affiliate) to create custom subscription plans based on their own business rules.

The Examiner asserts, in the Response to Arguments section, that Buhse discloses at paragraphs [0034] and [0084] logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role. Applicant acknowledges that Buhse discloses an Order Management System (OMS), which manages the entire application, such that external communications are routed through the OMS to the appropriate functional module. However, Applicant submits that Buhse does not disclose that

the OMS “provides a common interface personalized to a user's profile and role,” as recited in claim 17.

Moreover, as set forth above, paragraph [0084] of Buhse discloses that an AMC, which is part of the Automated Packaging Component (APC), processes operations for creating custom subscription plans based on business rules. However, Applicant submits that creating custom subscription plans does not constitute a common interface personalized to a user's profile and role, as recited in claim 17. That is, custom subscription plans are not an interface for a portal server that allows a user to perform any of the steps of claim 17.

Moreover, as set forth above, Applicant submits that Buhse does not disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role.

Therefore, Applicant submits that Buhse does not disclose each and every feature of claim 17, and does not anticipate the claimed invention.

Dependent Claims 18 – 20, 23, 25 and 26

Applicant submits that claims 18 – 20, 23, 25 and 26 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejections over claims 17 – 20, 23, 25 and 26 be withdrawn.

35 U.S.C. §103 Rejections

Claims 4, 37 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Woo. Claims 6 – 8, 11 – 14, 28, 29, 31, 35 and 36 were rejected under 35 U.S.C. § 103(a) as

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being unpatentable over Woo in view of Buhse. Claims 21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buhse in view of Woo. These rejections are respectfully traversed.

Dependent Claims 4, 37 and 38 over Woo

Applicant submits that claims 4, 37 and 38 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Additionally, with respect to claim 38, Applicant submits that Woo does not teach or suggest each feature of the claim. Claim 38 recites, in pertinent part:

... wherein the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files.

For example, Applicant submits that Woo does not disclose that the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files. The Examiner asserts that these features are disclosed by Woo at paragraph [0161]. Applicant disagrees.

As similarly discussed above, with regards to claim 1, while Applicant acknowledges that the DRM controller may be checked and upgraded when a new version is released, Applicant submits that the DRM controller does not provide update and version control capabilities of the protected digital content and any associated metadata files. Rather, Applicant submits that the DRM controller is a component used for the content playing process by the end user of the content. As such, Applicant submits that Woo does not disclose that the DRM controller provides update and version control capabilities of the protected digital content and any

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associated metadata files. Moreover, Applicant submits that the DRM controller is not a digital rights generation layer, as the DRM controller does not generate the digital rights. Rather, the DRM controller is a component of the client (content user) system used for the content playing process.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejections over claims 4, 37 and 38 be withdrawn.

Dependent Claims 6 – 8, 11 – 14, 29, 31, 35 and 36 over Woo in view of Buhse

Applicant submits that claims 6 – 8, 11 – 14, 29, 31, 35 and 36 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Additionally, with regards to claim 35, Applicant submits that neither Woo or Buhse, alone or in combination, teach or suggest the features of claim 35. Claim 35 recites, in pertinent part:

... a security manager component adapted to provide secure communications with client stations and an electronic store; and
a content repository component which prevents any input/output operation that creates a rights violation when the protected digital content is stored.

For example, Applicant submits that neither Woo or Buhse, alone or in combination, teach or suggest a security manager component adapted to provide secure communications with client stations and an electronic store, or a content repository component which prevents any input/output operation that creates a rights violation when the protected content is stored.

The Examiner acknowledges that Woo does not disclose a security manager component or a content repository component. However, the Examiner asserts that Buhse discloses a

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security manager component and a content repository component, and that it would have been obvious to one of ordinary skill in the art to combine these references. Applicant disagrees.

The Examiner asserts that Buhse discloses the security manager component at paragraph [0029]. Specifically, the Examiner asserts that this feature is taught or suggested by the passage “the client interface component accessible by clients, allow each client to set up and manage its offer of digital products for sale or subscription.” However, Applicant submits that the cited passage is silent with respect to providing secure communications with client stations and an electronic store. Therefore, Applicant submits that Buhse does not teach or suggest the security manager component.

Additionally, the Examiner asserts that the content repository component is disclosed at paragraph [0031]. Specifically, the Examiner asserts that this feature is taught or suggested by the passage “offer catalog component can send product IDs to the system as well as confirming whether or not a product is part of a subscription plan.” However, Applicant submits that the cited passage is silent with respect to preventing any input/output operation that creates a rights violation when the protected content is stored. Therefore, Applicant submits that Buhse does not teach or suggest the content repository component.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejections over claims 6 – 8, 11 – 14, 29, 31, 35 and 36 be withdrawn.

Dependent Claims 21 and 24 over Buhse in view of Woo

Applicant submits that claims 21 and 24 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Accordingly, Applicant respectfully requests that the rejections over claims 21 and 24 be withdrawn.

Complete Action not Provided

Applicant respectfully submits that the Examiner did not provide a complete action, and as such, Applicant submits that the finality of the instant action should be withdrawn and the next action should not be a final action. The Examiner is reminded of the guidance provided by 37 C.F.R. § 1.104(a)(1) regarding the Nature of Examination (emphasis added):

On taking up an application for examination . . . the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect to both compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

Applicant submits that the Examiner did not address claims 1, 4, 17 and 39 as claimed. More specifically, in rejecting claim 1 under 35 U.S.C. §102 over Woo, Applicant submits that the Examiner did not address the features of “wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version.” That is, in the response dated April 20, 2007, Applicant amended claim 1. However, in rejecting claim 1 in the instant action, the Examiner did not reject amended claim 1. In rejecting claim 4 under 35 U.S.C. §103 over Woo, Applicant submits that the Examiner did not reject claim 4 as claimed. That is, in the response dated April 20, 2007, Applicant amended claim 4. However, in rejecting claim 4 in the instant action, the Examiner did not reject amended claim 4. In rejecting claim 17 under 35 U.S.C. §102 over Buhse, Applicant submits that the Examiner did not address the features of “logging onto a portal server to perform any of the

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steps, wherein the portal server provides a common interface personalized to a user's profile and role." That is, in the response dated April 20, 2007, Applicant amended claim 17. However, in rejecting claim 17 in the instant action, the Examiner did not reject amended claim 17. In rejecting claim 39 under 35 U.S.C. §102 over Woo, Applicant submits that the Examiner did not address the features of "a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code." That is, in the response dated April 20, 2007, Applicant amended claim 39. However, in rejecting claim 39 in the instant action, the Examiner did not reject amended claim 39.

Additionally, the Examiner is reminded of the guidance provided by MPEP 707.07(f) (emphasis added):

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during the prosecution of an application.

...

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

Applicant submits that the rejections of claims 35 and 38 were traversed in the response dated April 20, 2007. In the instant office action, the Examiner repeated those rejections. However, Applicant respectfully submits that the Examiner did not take note of Applicant's arguments and did not answer the substance of the arguments. Thus, Applicant submits that the Examiner did not provide clear explanations of all actions taken by the examiner during the prosecution of an application, as is mandated by the MPEP.

Furthermore, Applicant submits that, in objecting to the specification, the Examiner tacitly made a new rejection that was not necessitated by any amendment.

For these reasons, Applicant submits that a clear issue was not developed between the Examiner and Applicant. As such, Applicant submits that the finality of the instant Office Action should be withdrawn and that the next Office Action, which should clarify this issue, *cannot* be made final.

According to MPEP 706,

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection.

Additionally, MPEP 706.07(a) notes:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). ...

Furthermore, a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Accordingly, Applicant respectfully submits that the Examiner should withdraw the finality of the instant action and may not make the next action final, as in the previous Office Action a “clear issue [was not] developed between the examiner and applicant”.

CONCLUSION

In view of the foregoing remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510.

Respectfully submitted,
Magda MOURAD

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

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